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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,352	09/12/2003	Ralf Steuernagel	13907-056001 / 2003P00129	6743
32864	7590	03/09/2006	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			LEWIS, CHERYL RENE A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/661,352	Applicant(s) STEUERNAGEL ET AL.	
	Examiner Cheryl Lewis	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-30 are presented for examination.

#### ***Drawings***

2. The drawings filed on September 12, 2003 are accepted by the Examiner.

#### ***Claim Objection***

3. Applicant is advised that should claim 25 be found allowable, claim 28 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 4, 7, 18, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. a. Claim 1 is rejected because it is not directed to any specific technological art.

The claim does not recite what the invention is about, nor does the claim recite what

Art Unit: 2167

kind of operation is being performed. This claim is extremely broad. The claimed limitation for 'anticipation' is difficult to interpret. How does a method determine 'anticipating' distribution of data?

b. The claim limitation data 'assembly' is vague. What kind of data is being distributed? How is the data being assembled? Who or what performs the manipulation of the assembled data?

c. The claim limitation 'redundant' data is vague. What kind of data is redundant and what process is involved in producing redundant data?

d. The claim limitation 'characteristic of a component' is vague. What type of characteristics are being produced or manipulated? What type or kind of component is being used within this method?

The examiner also request the applicants to kindly consider amending the claims to specifically recite what type of data, functions, component, etc. are being used within this method. The claim language is extremely broad and difficult to interpret. Likewise, the Specification does not provide specific terminology for the meaning of the claim limitations recited in independent claims 1, 7, 18, and 24. The Specification appears to be silent on mentioning the detailed description of the following: (a) data assembly; (b) redundant data; and (c) characteristic of a component.

e. Claim 4 recites a 'technical characteristic of a component', this claim limitation is vague. What is the technical characteristic and of what component is being used?

f. Claim 7 recites 'receiving valuation information relating to an appraisal'. The limitations of this claim are broad and difficult to interpret. The claim is not directed to

Art Unit: 2167

any specific technological art. The claim does not recite what the invention is about, nor does the claim recite what kind of operation is being performed.

What does the valuation comprise of? Kindly provide a detailed description and explanation of the functionality of a valuation. Also, provide a detailed description of what this claim is specifically about. What kind of appraisal is being given or performed?

g. Claim 18 recites 'receiving historical distribution'; 'data assembly'; 'version of the data assembly'; 'current version'; and 'target component'. The claim limitations are extremely vague. What type of historical distribution is being performed. What is this application directed related to within computer related inventions? Are claims 1, 7, 18, and 24 related to computer auctioning, banking, electronic commerce? These claims fail to specifically state what the process, method, or apparatus is doing and what specific types of functions are being used to implement this invention. Again, kindly consider amending the claims to be more specific as to what technological art is being used, i.e. garbage collection, distributed access of information from client to server, etc.

Who and what is performing a historical distribution? What is the history of a distribution? What kind of distribution?

Kindly provide detailed descriptive information for data assembly'; 'version of the data assembly'; 'current version'; and 'target component'.

h. Claim 24 is also rejected for including the same claim limitations of independent claims 7, 18, and 24.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 1 is rejected under 35 U.S.C. 101 because claim 1 is directed to a method comprising an anticipation of distribution of data assembly which is an abstract idea or the mere manipulation of an abstract idea.

9. The claimed invention is directed to non-statutory subject matter because according to claim 1 the language of the claim raises a question as to whether the claim is directed to an abstract idea that is not tied to a technological art. According to the claim, a method comprising in anticipation of distribution of a data assembly adding redundant data to the data assembly based on a characteristic of a component targeted for receipt of the data assembly, this is non-statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable. It appears that the claimed method of anticipation of distribution of a data assembly is non-functional descriptive material.

Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Claims to processes that do nothing more than solve mathematical problems or manipulate abstract ideas or concepts are more complex to analyze. If the “acts” of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. Schrader, 22 F.3d at 294-95, 30 USPQ2d at 1458-59. Thus, a process

Art Unit: 2167

consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process. In practical terms, claims define nonstatutory processes if they:

- consist solely of mathematical operations without some claimed practical application (i.e., executing a "mathematical algorithm"); or
- simply manipulate abstract ideas, e.g., a bid (Schrader, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application.

Claim 1 is not limited to tangible embodiments. To overcome this type of 101 rejection the claims need to be amended to include only tangible embodiments (e.g., 'computer implemented method comprising', processor, computer readable media, memory, etc.).

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-6 and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hess et al. (Pat. No. 7,007,076 B1 filed February 5, 2001).

12. Regarding Claims 1 and 24, Hess teaches information presentation and management in an online trading environment.

The method and associated system for information presentation and management in an online trading environment as taught or suggested by Hess includes:

distribution of data assembly (Abstract lines 3-5, col. 4, lines 8-38), adding redundant data to the data assembly based on a characteristic of a component targeted for receipt of the data assembly (col. 5, lines 14-36 and 44-53, col. 6, lines 40-67, col. 7, lines 9-44, col. 9, lines 59-67, col. 10, lines 1-18).

13. Regarding Claim 2, Hess teaches adding redundant data to the data assembly comprises duplicating a second data assembly referenced by the data assembly (col. 5, lines 14-36 and 44-53, col. 6, lines 40-67, col. 7, lines 9-44, col. 9, lines 59-67, col. 10, lines 1-18).

14. Regarding Claim 3, the limitations of this claim has been noted in the rejection of claims 1 and 2 above. It is therefore rejected as set forth above.

15. Regarding Claim 4, the limitations of this claim has been noted in the rejection above. In addition, Hess teaches a technical characteristic of the component (col. 5, lines 14-36 and 44-53, col. 6, lines 40-67, col. 7, lines 9-44, col. 9, lines 59-67, col. 10, lines 1-18).

16. Regarding Claim 5, Hess teaches adding redundant data comprises adding redundant data based on a technical ability of the component to handle complex data



Art Unit: 2167

objects (col. 5, lines 14-36 and 44-53, col. 6, lines 40-67, col. 7, lines 9-44, col. 9, lines 59-67, col. 10, lines 1-18).

17. Regarding Claim 6, Hess teaches adding redundant data to the data assembly comprises adding redundant data to a data object (col. 5, lines 14-36 and 44-53, col. 6, lines 40-67, col. 7, lines 9-44, col. 9, lines 59-67, col. 10, lines 1-18).

18. Regarding Claims 25 and 28, Hess teaches a characteristic of the content with a characteristic of the target component (col. 9, lines 60-67, col. 10, lines 1-18).

19. Regarding Claim 26, Hess teaches searching the content of the data assembly for a keyword relevant to the target component.

20. Regarding Claim 27, Hess teaches parsing language in the content of the data assembly for language relevant to the target component (col. 9, lines 60-67, col. 10, lines 1-18).

21. Regarding Claim 29, Hess teaches comparing the characteristic of the content with a role of the target component (col. 9, lines 60-67, col. 10, lines 1-18).

22. Regarding Claim 30, Hess teaches modifying the current version of the data assembly for distribution to the target component (col. 9, lines 60-67, col. 10, lines 1-18).

23. Claims 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Vig (Pat. No. 5,911,131 filed December 20, 1995).

24. Regarding Claim 7, Vig teaches a computer aided calculation, appraisal and valuation of works of art.

The method and associated system for a computer aided calculation, appraisal and valuation of works of art as taught or suggested by Vig includes:

receiving valuation (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67) information relating to an appraisal (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67) of the appropriateness of a portion of a data assembly for distribution (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67); and modifying the data assembly for distribution based on the received valuation information (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67).

25. Regarding Claim 8, Vig teaches an indication of invalidity of the portion of the data assembly (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67); and eliminating the invalid portion of the data assembly for distribution (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67)

26. Regarding Claim 9, Vig teaches receiving an indication of a change to the portion of the data assembly, the change relating to an update to a version of a device described by the data assembly (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67).

27. Regarding Claim 10-14, the limitations of these claims have been noted in the rejections of claims 7-9 above. They are therefore rejected as set forth above.

28. Regarding Claim 15, Vig teaches receiving the valuation information as metadata (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67).

Art Unit: 2167

29. Regarding Claim 16, Vig teaches receiving the valuation information relating to a context of a target component (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67).

30. Regarding Claim 17, Vig teaches receiving the valuation information relating to an application performed at the target component (col. 4, lines 34-50, col. 5, lines 24-67, col. 18, lines 17-67, col. 20, lines 8-67).

31. Claims 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Goyal et al. (Pat. No. 6,466,917 B1 filed March 9, 2000, hereinafter Goyal).

32. Regarding Claim 18, Goyal teaches a method and apparatus for verifying the identity of a participant within an on-line auction environment.

The method and associated system for verifying the identity of a participant within an on-line auction environment as taught or suggested by Goyal includes:

receiving historical distribution information for a data assembly (col. 6, lines 58-67, col. 8, lines 32-57), the historical distribution information identifying one or more components that have previously received some version of the data assembly (col. 6, lines 58-67, col. 8, lines 32-57); and determining if distribution of at least a portion of a current version of the data assembly to a target component is warranted based on the historical distribution information (col. 6, lines 58-67, col. 8, lines 32-57).

33. Regarding Claim 19, Goyal teaches receiving historical distribution information identifying a distributed version of the data assembly (col. 6, lines 58-67, col. 8, lines 32-57), the distributed version being previously distributed to the target component (col. 6, lines 58-67, col. 8, lines 32-57); and determining if a current version of the data

Art Unit: 2167

assembly includes changed data for which distribution to the target component is warranted (col. 6, lines 58-67, col. 8, lines 32-57).

34. Regarding Claim 20, Goyal teaches determining if the current version of the data assembly includes data associated with an updated lifecycle characteristic (col. 6, lines 58-67, col. 8, lines 32-57); and determining if the update to the lifecycle characteristic makes distribution of the associated data to the target component warranted.

35. Regarding Claim 21, Goyal teaches determining if the current version (col. 6, lines 58-67, col. 8, lines 32-57) of the data assembly includes data applicable to a role of the target component (col. 6, lines 58-67, col. 8, lines 32-57).

36. Regarding Claim 22, Goyal teaches modifying the current version of the data assembly for distribution to the target component (col. 6, lines 58-67, col. 8, lines 32-57).

37. Regarding Claim 23, Goyal teaches identifying a second data assembly related to the data assembly; and determining if distribution of the second data assembly is warranted based on the relationship with the data assembly (col. 6, lines 58-67, col. 8, lines 32-57).

***NAME OF CONTACT***

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis  
Patent Examiner  
March 3, 2006